IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM, 1973

OCT 19 19
MICHAEL RODAK, JR.

NO. 73-2004

ISAAC WASHINGTON,
PASQUALE SOLE,
and
PETER RINALDI,

Petitioners,

vs.

THE STATE OF FLORIDA,

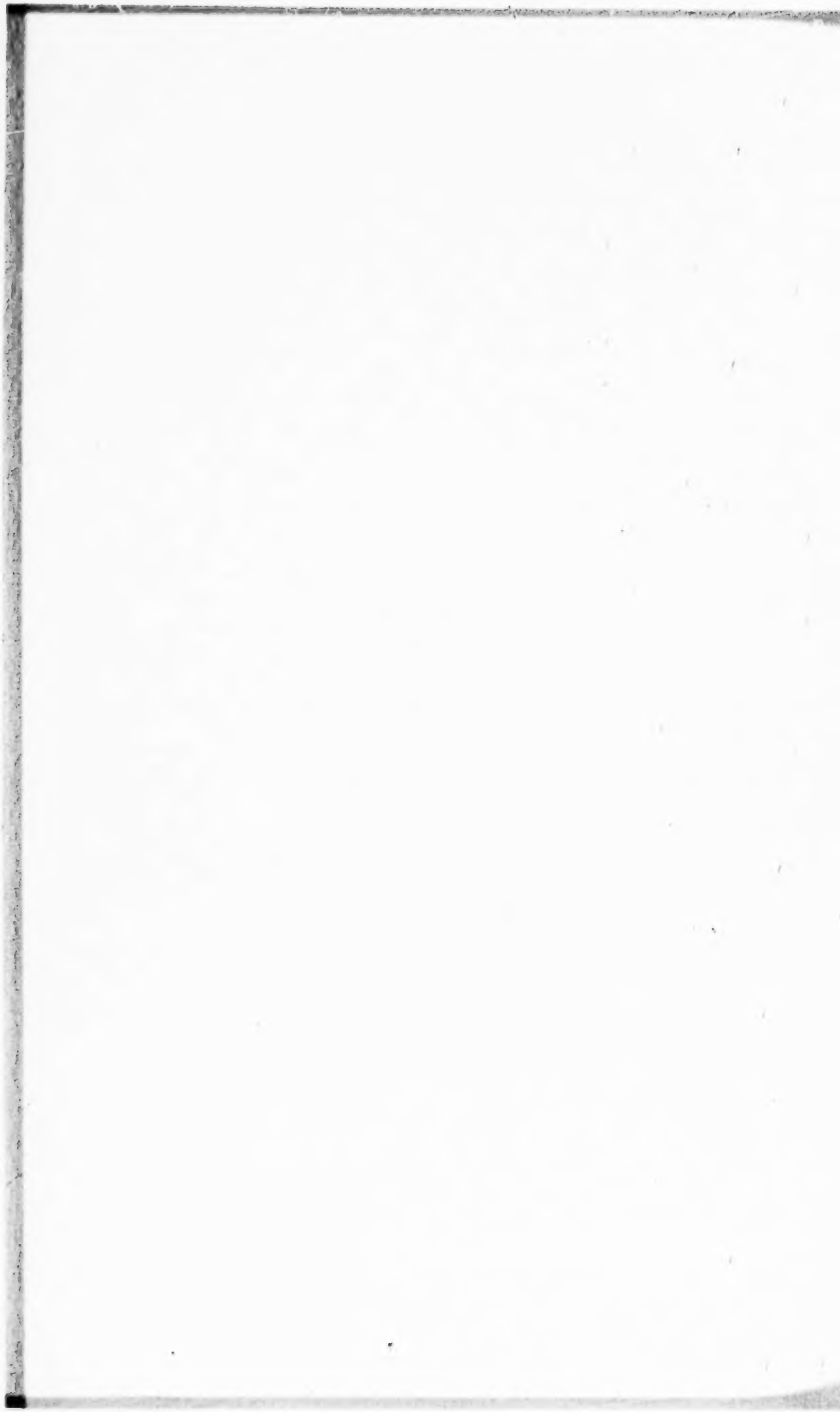
Respondent.

ON PETITION FOR WRIT OF CERTIORARI
TO THE DISTRICT COURT OF APPEAL OF
FLORIDA, THIRD DISTRICT

BRIEF OF RESPONDENT IN OPPOSITION AND APPENDIX

ROBERT L. SHEVIN
Attorney General
State of Florida

LINDA COLLINS HERTZ
Assistant Attorney General
Sunset Executive Center
8585 Sunset Drive (Suite 75)
Miami, Florida 33143
(305) 279-8700



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OPINION BELOW

The opinion of the District Court of Appeal, Third District of Florida, is reported at 294 So.2d 407 (Fla. 3d D.C.A. 1974), and appears at Appendix 1-9, to the petition for writ of certiorari.

JURISDICTION

Petitioners invoke the jurisdiction of this Honorable Court under 28 U.S.C. § 1257, which provides, in part:

> Final judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court. . . . [Emphasis supplied]

Petitioners have not secured a decision rendered by the highest court of the State of Florida in which a decision could be had.

The convictions were affirmed on appeal by the court below on April 30, 1974. Thereafter, petitioners petitioned the Florida Supreme Court for writ of certiorari. In addition, petitioners Washington and Rinaldi filed motions in the Florida Supreme Court for stays of proceedings. These pleadings were received by the Clerk of the Florida Supreme Court on May 31, 1974. Appendix 1.

On June 3, 1974, the Florida Supreme Court dismissed the petition sua sponte, upon a finding that it was not timely filed under

Florida Appellate Rules. Appendix 2-3. On June 18, 1974, petitioners filed a motion to reinstate the petition. Appendix 4.

Petitioners filed an application to stay execution of the sentences with THE HONORABLE LEWIS F. POWELL, JR., Circuit Justice for the Fifth Circuit, who denied the application on July 5, 1974, after response in opposition was filed by undersigned counsel, Application No. A-1219. Appendix 5. In addition, petitioner Washington's application to Mr. Justice Powell for supersedeas bond was denied on July 11, 1974, Application No. A-1292. Appendix 6.

During the intervening time, petitioner's original co-defendants, and co-appellants in the court below, William Scaldeferri and Phillip Pompeo, followed different procedural avenues.

Following the April 30, 1974 decision by the court below, the two latter-named co-appellants filed a petition for rehearing in that court on May 10, 1974. Such petition was denied on June 5, 1974 and the mandate of that court issued. Appendix 7.

Co-appellants then petitioned the Florida Supreme Court for writ of certiorari to the court below. Appendix 8. Briefs by both sides have been filed. Appendix 9. The consolidated cases of the two co-appellants in the court below are still awaiting decision by the Florida Supreme Court. Appendix 10.

Petitioners herein have filed various other petitions and motions for stays of execution, etc., in both the Florida Supreme Court and in the court below. The motion of note to this action was a motion to stay

execution of the mandate, filed in the Florida Supreme Court on July 8, 1974. Appendix 11-13. That motion was granted, and the Florida Supreme Court stayed all proceedings in the lower courts "pending disposition of the Petition for Writ of Certiorari. . . ." Appendix 14.

In these circumstances, there has been no final judgment rendered by the Florida Supreme Court on petitioners' motion to reinstate the petition. Even though the power of the Florida Supreme Court to re-open the petition for certiorari is discretionary, until the petition has been finally acted upon by the courts of the State of Florida, no jurisdiction lies in this Court to review the judgment and conviction. Andrews v. Virginia Ry. Co., 248 U.S. 272 (1919).

Further, in Banks v. California, 395 U.S. 709 (1969), this Court held:

> Petitioner did not ask the Supreme Court of California to review the judgment entered by the Court of Appeal in this case. Therefore, the decision of the Court of Appeal is not a "[f]inal judgment * * * rendered by the highest court of a State in which a decision could be had * * *." 28 U.S.C. § 1257, and we lack jurisdiction to review it. The writ of certiorari is dismissed for want of jurisdiction.

Therefore, petitioners having failed to file a timely petition, they have not secured a decision rendered by the highest court of the State of Florida.

Moreover, where the highest state court has failed to pass upon a federal question, it can be assumed that the omission was due to the petitioners' failure to properly present such question to the state courts, unless petitioners can affirmatively demonstrate to the contrary. Street v. New York, 394 U.S. 576 (1969).

Under the circumstances of these proceedings, jurisdiction under 28 U.S.C. § 1257 has not been demonstrated.

QUESTION PRESENTED

Respondent respectfully rephrases the petitioners "Question Presented" as follows:

WHETHER A SUBSTANTIAL FEDERAL QUESTION HAS BEEN DEMONSTRATED?

ARGUMENT

Petitioners invoke both the Fifth and Sixth Amendments in support of their assertion that their constitutional rights have been violated. However, in the court below, the petitioners relied principally upon Massiah v. United States, 377 U.S. 201 (1964), in support of their contention for reversal. Only inferentially, in the reply brief, was Miranda v. Arizona, 384 U.S. 436 (1966) mentioned; and then it was only with regard to petitioner Rinaldi's position on the issue. Clearly, the decision of the court below was predicated on the question of the application of the Massiah decision to the facts presented. Thus, only the Sixth Amendment issue was raised and decided.

It should be noted that, the opinion below clearly states that the Massiah issue was not applicable to petitioner Rinaldi:

> The first point urges that the trial court erred in admitting into evidence testimony and tape recordings of conversations of the defendants with the undercover police officers which occurred subsequent to the filing of the information. This point is applicable to Washington, Sole, Pompeo, and Scaldeferri. (Emphasis supplied).
>
> (Petitioners' App. 5).

By excluding Rinaldi from consideration on the issue, it is evident that the appellate court found that, since petitioner Rinaldi had not been present at the February 25, 1973 meeting, had not been named or described in the information, and had no capias warrant issued against him, he had no standing to complain of a Massiah violation. In addition, since no arrest had been effectuated, petitioner Rinaldi also could not show custodial interrogation in order to demonstrate violation of Miranda, supra. However, this Court's decision in Hoffa v. United States, 385 U.S. 293 (1966), was directly applicable. Petitioner Rinaldi had no constitutional right to be arrested.

The appellate court below also found that, although petitioner Washington had standing with regard to the Massiah issue, Washington had not demonstrated harmful error, because clear and convincing evidence sufficient for conviction was otherwise presented, even without the use of the taped conversations. (See Petitioners' App. 5). This Court has previously held that, assuming the existence of a violation of Massiah, the harmless error

rule could apply. Milton v. Wainwright, 407 U.S. 371 (1972).

It is therefore clear that the decision petitioners seek to question applies only to petitioner Sole with regard to the issue of whether, factually, a violation of Massiah occurred. The decision held that, under all the facts that existed, Massiah was not applicable.

Rule 19(1) of the Supreme Court Rules states that certiorari will be granted only "where there are special and important reasons therefor." Even though the question presented by the petitioners is a federal question, it is not of such substance as to warrant review by this Honorable Court.

In discussing what is meant by a substantial federal question, this Honorable Court stated in Rice v. Sioux City Cemetery, 349 U.S. 70, 74 (1955):

> A federal question raised by a petitioner may be "of substance" in the sense that, abstractly considered, it may present an intellectually interesting and solid problem. But this Court does not sit to satisfy a scholarly interest in such issues. Nor does it sit for the benefit of the particular litigants. (Magnum Import Co. v. Coty, 262 U.S. 159, 163, 67 L.Ed. 922, 924, 43 S.Ct. 531; see also Address of Mr. Chief Justice Vinson, before the American Law Institute, May 10, 1934, XI Proc Am Law Inst 313.)

> "Special and important reasons" imply a reach to a problem beyond the academic or the episodic. This is especially true where the issues involved reach constitutional dimensions, for then there comes into play regard for the Court's duty to avoid decision of constitutional issues unless avoidance becomes evasion. Cf. the classic rules for such avoidance stated by Mr. Justice Brandeis in Ashwander v. Tennessee Valley Authority, 297 U.S. 288, 341, 80 L.Ed. 688, 707, 56 S.Ct. 466.

It is obvious that the instant case presents merely an episode or academic reason for review. This Court's limited reviewing power should not be utilized to supervise the adherence to its previous rulings on a factual, case-by case basis.

In view of the totality of the circumstances in the instant case, it is clear that the issues presented are of a factual nature, important only to petitioner Sole, and do not warrant review by the Supreme Court of the United States.

Petitioners have failed to adequately present in their appendix the complete history of the case subsequent to the date the decision sought to be reviewed was rendered. Such failure is in itself sufficient reason for denying the petition under Rule 23(1)(f) and (j), and (4) of the Supreme Court Rules.

Petitioners have prematurely petitioned this Court, since the Florida Supreme Court has not rendered a final decision in the case. The requirements of 28 U.S.C. § 1257

have not been met. Therefore, jurisdiction has not been demonstrated.

CONCLUSION

Petitioners Rinaldi and Washington have not demonstrated that a substantial federal question exists with regard to the application of the decision below to them. Moreover, even though a federal question has been presented, with regard to petitioner Sole, it is unsubstantial. Therefore, this Court should deny jurisdiction.

Respectfully submitted,

ROBERT L. SHEVIN
Attorney General
State of Florida

LINDA COLLINS HERTZ
Assistant Attorney General
Sunset Executive Center
8585 Sunset Drive (Suite 75)
Miami, Florida 33143
(305) 279-8700

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that three copies of the Brief of Respondent in Opposition was served upon JAMES J. HOGAN, Esq., COHEN AND HOGAN, P.A., Attorneys for Washington, 420 Lincoln Road, Miami Beach, Florida, 33139, MELVYN

KESSLER, Esq., Attorney for Sole, 1531 N. W. 15 Street Road, Miami, Florida, 33125, and ARTHUR TIFFORD, Esq., Attorney for Rinaldi, 1922 One Biscayne Tower, Miami, Florida, 33131, this ____ day of October, 1974.

LINDA COLLINS HERTZ
Assistant Attorney General
Sunset Executive Center
8585 Sunset Drive (Suite 75)
Miami, Florida 33143
(305) 279-8700

APPENDIX

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Appendix 1

SID J. WHITE, CLERK
SUPREME COURT OF FLORIDA
Supreme Court Building
Tallahassee 32304

Honorable James J. Hogan
420 Lincoln Road
Miami Beach, Florida

June 3, 1974

Re: Isaac Washington, et al. vs. State of Florida

Case No. 45,618

Dear Sir:

I have this date received the below-listed pleadings or documents:

Received 5/31/74

1. Petition for Writ of Certiorari
2. Petitioners' Brief and One Copy
3. Copies of Record
4. $25 Filing Fee (Receipt enclosed)
5. Motion for Stay of Proceedings
6. Motion to Consolidate Petition for Writ of Certiorari

Please make reference to the case number in all correspondence and pleadings.

Most cordially,

Clerk, Supreme Court

SJW:dc
cc: Hon. William P. Carter, Clerk
Hon. Melvyn Kessler
Hon. Robert L. Shevin
Hon. Arthur W. Tifford

Appendix 2

IN THE SUPREME COURT OF FLORIDA

JANUARY TERM, A. D. 1974

MONDAY, JUNE 3, 1974

ISAAC WASHINGTON, ET AL,	**	CASE NO. 45,618
Petitioners,	**	DISTRICT COURT OF APPEAL, THIRD
vs.	**	DISTRICT
STATE OF FLORIDA,	**	73-805
		73-644
Respondent.	**	73-643

It appearing to the Court that the petition for writ of certiorari was not timely filed, it is ordered that the petition is hereby dismissed sua sponte, subject to reinstatement if timeliness is established on proper motion filed within fifteen days from the date of this order.

A True Copy

TEST:

SID J. WHITE
Clerk Supreme Court.

cc: Hon. William P. Carter, Clerk
Hon. Richard P. Brinker, Clerk
Hon. Arthur E. Huttoe, Judge
Hon. James J. Hogan
Hon. Melvyn Kessler
Hon. Robert L. Shevin
Hon. Arthur W. Tifford

Appendix 3

EXERPTS OF FLORIDA APPELLATE RULES

Rule 3.14. Rehearing

a. Time For. Unless further time is allowed, rehearings must be applied for by petition in writing within 15 days after the filing of the decision or order of the Court.

. . .

Rule 3.15. Mandate

a. Issuance of Mandate. Unless the Court, by special order, shall otherwise direct, the clerk, upon the expiration of 15 days from the decision or order, shall issue such mandate or process as may be directed by the Court. . . .

. . .

Rule 4.5. Extraordinary Writs. . .

c. Certiorari.

. . .

(6) From District Court to Supreme Court.

. . . .

The petition for certiorari under this rule shall be filed in the Supreme Court within 30 days from the rendition of the order, decision or judgment of the district court of appeal. The petition shall set forth briefly and clearly the grounds for invoking jurisdiction of the Supreme Court and the facts relied upon for the issuance of the writ. Unless the district court shall otherwise direct for good cause shown after notice and hearing a petition for certiorari filed in the Supreme Court within 15 days from the date of the filing of the

order, decision or judgment sought to be reviewed or within 15 days from the date of the disposition of a petition for rehearing shall automatically stay further proceedings in the district court and the trial court until the disposition of said petition by the Supreme Court; otherwise such petition for certiorari shall operate as a stay of such proceeding only upon the order of the Supreme Court or the Chief Justice after due notice to the adverse party.

Appendix 4

MGMMIAD MIA United States Postal
2-027317E169 06/18/74 Service U.S.Mail
ICS IPMBNGZ CSP WESTERN UNION MAILGRAM
3053710630 MGM TDBN MIAMI FL 145 06-18 0312P EDT
ZIP 33125

ATTORNEY GENERAL
1350 NW 12 AVE
MIAMI FL 33125

IN RE: ISAAC WASHINGTON, PASQUALE SOLE, PETER RINALDI, PETITIONERS
VS.
STATE OF FLORIDA
CASE NUMBER 45,618 DISTRICT COURT OF APPEAL THIRD DISTRICT, 73-805, 73-644, 73-643 MOTION FOR REINSTATEMENT OF JOINT PETITION FOR CERTIORARI
THE ABOVE PETITIONERS HEREBY MOVE THE COURT TO REINSTATE THE PETITION FOR CERTIORARI HERETOFOR FILED ON MAY 31, 1974. AS GROUNDS THEREFOR PETITIONERS AVER THE PETITION FOR WRIT OF CERTIORARI, ALL SUPPORTING PAPERS, FILING FEE, MOTION FOR STAY AND MOTION TO CONSOLIDATE LEFT MIAMI, FLORIDA IN TIME FOR TIMELY FILING WITH THIS HONORABLE COURT. THE DELAY PROMPTING THE FILING AT APPROXIMATELY 920AM, MAY 31, 1974 SHOULD NOT INURE TO THE DETRIMENT OF PETITIONERS BY DENYING THEM THE COURTS CONSIDERATION OF THE PETITION ON ITS MERITS.
RESPECTFULLY SUBMITTED JAMES J HOGAN 420 LINCOLN RD MIAMI BEACH FL
MELVIN KESSLER 1531 NW 15 ST RD MIAMI FL
ARTHUR TIFFORD 200 SE 1 ST MIAMI, FL BY:
ARTHUR W TIFFORD COPY TO ATTORNEY GENERAL
1350 NW 12 AVE MIAMI FL 33125

1515 EDT
MGMMIAD MIA

Appendix 5

COPY

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

July 5, 1974

Arthur W. Tifford, Esquire
CAGNEY & TIFFORD, P.A.
200 S. E. First Street, #800
Miami, Florida 33131

RE: ISAAC WASHINGTON, PETER RINALDI AND PASQUALE SOLE V. FLORIDA, No. A-1219

Dear Mr. Tifford:

Your application for stay in the above-entitled case was presented to Mr. Justice Powell, who has endorsed thereon the following:

"Denied

July 5, 1974

L.F.P., Jr."

Very truly yours,

MICHAEL RODAK, JR., Clerk

By

Francis J. Lorson
Deputy Clerk

FJL:ljj

cc: Ms. Linda C. Hertz
Assistant Attorney General
State Office Building (530)
1350 N.W. 12 Avenue
Miami, Florida 33136

Appendix 6

COPY

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, D.C. 20543

July 12, 1974

James J. Hogan, Esq.
420 Lincoln Road
Miami Beach, Florida

RE: ISAAC WASHINGTON v. FLORIDA
A-1292

Dear Mr. Hogan:

Your application for bail in the above-entitled cause was presented to Mr. Justice Powell, and it was denied by him on July 11, 1974 with the following endorsement thereon:

"Denied.
7/11/74.
L.F.P.Jr."

Very truly yours,

MICHAEL RODAK, JR., Clerk

By

Francis J. Lorson
Deputy Clerk

jmh

cc: Attorney General of Florida

Appendix 7

IN THE DISTRICT COURT OF
APPEAL OF FLORIDA

THIRD DISTRICT

JANUARY TERM, A.D. 1974

WEDNESDAY, JUNE 5, 1974

JOSEPH POMPEO and WILLIAM BERNARD SCALDEFERRI, **

Appellants, **

vs. CASE NOS. 73-621
73-622

STATE OF FLORIDA, **

Appellee. **

Counsel for appellants having filed in this cause petition for rehearing, and same having been considered by the court which determined the cause, it is ordered that said petition be and it is hereby denied.

A True Copy

ATTEST:

Clerk District Court of
Appeal, Third District

cc: Milton E. Grusmark
Linda C. Hertz

/h

(THE MANDATE IN THE ABOVE STYLED CAUSE HAS TODAY BEEN ISSUED AND MAILED TO THE CLERK OF THE CIRCUIT COURT IN AND FOR DADE COUNTY, FLORIDA)

Appendix 8

SID J. WHITE, Clerk
SUPREME COURT OF FLORIDA
Supreme Court Building
Tallahassee 32304

Honorable Milton E. Grusmark
1720 79th Street Causeway, Suite 110
Miami Beach, Florida 33141

June 20, 1974

RE: Pompeo vs. State of Florida
Case No. 45,739

Dear Sir:

I have this date received the below-listed pleadings or documents:

Received 6/20/74

1. Petition for Writ of Certiorari

2. Petitioner's motion for extension of time is hereby granted and petitioners are allowed to and including July 5, 1974 to file their brief record. No further extensions of time will be allowed to petitioners.

Please make reference to the case number in all correspondence and pleadings.

Most cordially,

Clerk, Supreme Court

SJW/sls
cc: Hon. William P. Carter, Clerk
Hon. Robert L. Shevin

Appendix 9

STYLE: POMPEO, SCALDEFERRI VS. STATE OF FLORIDA

CASE NO: 45,738 & 45,739 DATE July 19, 1974

RECEIPT IS ACKNOWLEDGED OF:

[ ] CONFORMED COPIES OF RECORD
[X] BRIEF
[ ] CONFORMED TRANSCRIPT
[ ] REQUEST FOR ORAL ARGUMENT
[ ] PETITION FOR ATTORNEY'S FEES
[ ] PETITION FOR REHEARING
[ ] ORIGINAL RECORD/EXHIBITS
[ ] PETITION FOR WRIT OF HABEAS CORPUS/MANDAMUS
[ ] ORIGINAL WRIT WITH ACCEPTANCE OF SERVICE THEREON

LETTER OF _____

RESPONSE TO _____

COPY OF _____

_____

SID J. WHITE, Clerk
Supreme Court of Florida

SID J. WHITE
CLERK, SUPREME COURT OF FLORIDA
SUPREME COURT BUILDING
Tallahassee, Florida 32304

Hon. Linda C. Hertz
Assistant Attorney General
The Capitol
Tallahassee, Florida 32304

Appendix 10

IN THE SUPREME COURT OF FLORIDA

JULY TERM, A. D. 1974

WEDNESDAY, JULY 10, 1974

PHILLIP J. POMPEO, *
*
Petitioner, *
*
vs. * CASE NO. 45,739
*
STATE OF FLORIDA *
*
Respondent. *
*
****
*
WILLIAM B. SCALDEFERRI, *
*
Petitioner, *
*
vs. * CASE NO. 45,738
*
STATE OF FLORIDA, *
*
Respondent. *
*
****

Petitioner's, Phillip J. Pompeo, motion to consolidate in the above-styled causes is hereby granted.

A True Copy

TEST:

cc: Hon. Milton E. Grusmark
Hon. Robert L. Shevin

SID J. WHITE
Clerk Supreme Court

Appendix 11

IN THE SUPREME COURT OF FLORIDA

NO._____

IN RE:)

PETER RINALDI,) MOTION TO STAY EXECUTION OF MANDATE.

Petitioner,)

COMES NOW the below signed movant, PETER RINALDI, by and through his undersigned attorney, and moves this Honorable Court for an Order staying the execution of the mandat (sic) of the Third District Court of Appeal in Case No. 73-643, and as grounds therefor the movant would show as follows:

1. That on the 17th day of May, 1973, he was convicted in the Circuit Court of the Eleventh Judicial Circuit in and for Dade County, Florida, of conspiracy to commit robbery.

2. Subsequent thereto the movant appealed to the Third District Court of Appeals, raising numerous issues.

3. The Third District Court of Appeals affirmed the judgment and sentence of the movant. Subsequent thereto a Petition for Writ of Certiorari was filed with the Supreme Court of Florida.

4. The Supreme Court of Florida dismissed the Petition for Writ of Certiorari. A Petition for rehearing was thereafter filed with this Honorable Court and has not been ruled on as of the filing of this motion.

5. In the event said Petition for rehearing is denied a Petition for Certiorari will be filed with the Supreme Court of the United States on or before July 8, 1974.

Continued

6. The Petition for Writ of Certiorari to the Supreme Court of Florida delineated issues different than those that will be filed in the Petition to be filed with the Supreme Court of the United States.

Appendix 12

7. Briefly stated, the issues in the Petition to the Supreme Court of the United States will be as follows:

The question presented involves a surreptitious interrogation of the movant after the filing of an Information, and after the issuance of an arrest warrant, but before the actual arrest itself. The Third District Court of Appeals ruled that the movant was not required to be advised of his constitutional right to counsel and the Fifth Amendment right against self-incrimination until the actual arrest itself. The Petitioner in his Petition for Writ of Certiorari asserts that the decision of the Third District Court of Appeal is in direct conflict with the dictates of Massiah v. United States, 377 U.S. 201, 84 S.Ct. 1199, 12 L.Ed.2d 246 (1964).

8. The Petitioner is currently free on supersedeas bond.

9. In addition to the foregoing, the Petitioner was convicted in District Court for the Southern District of Florida of an offense relating out of the same events and occurrences. Petitioner is currently free on supersedeas in that case, an appeal having been taken to the Fifth Circuit Court of Appeals.

WHEREFORE, in light of the fact that the Petitioner has prepared and is in the process of filing a Petition for Writ of Certiorari

Continued

with the Supreme Court of the United States, Petitioner moves this Honorable Court for an order staying the execution of the mandate issued by the District Court of Appeals for the Third District of Florida pending the denial of his Petition for Rehearing or the Supreme Court's acceptance of jurisdiction, or denial of certiorari.

Respectfully submitted,

ARTHUR W. TIFFORD, ESQ.
Attorney for Petitioner, Rinaldi
Suite 1922 One Biscayne Tower
Miami, Florida 33131
Telephone 305-371-1477

Appendix 13

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true copy of the foregoing was mailed this 3rd day of July, 1974 to the Office of the Attorney General for the State of Florida, 1350 N. W. 12 Avenue, Miami, Florida, 33136.

ARTHUR W. TIFFORD, ESQ.

Appendix 14

IN THE SUPREME COURT OF FLORIDA

JULY TERM, A. D. 1974

MONDAY, JULY 8, 1974

ISAAC WASHINGTON, PASQUALE SOLE and PETER RINALDI,	**	
Petitioners	**	
vs.	**	CASE NO. 45,618
STATE OF FLORIDA,	**	
Respondent.	**	

The motions for stay of proceedings filed on behalf of Isaac Washington and Peter Rinaldi are hereby granted and proceedings in the District Court of Appeal, Third District, and in the trial court, are hereby stayed pending disposition of the Petition for Writ of Certiorari filed in this Court.

A True Copy

TEST:

Sid J. White
Clerk Supreme Court

sg
cc: Messrs. Cohen & Hogan
Honorable Arthur W. Tifford
Honorable Melvyn Kessler
Honorable Robert L. Shevin
Honorable William P. Carter, Clerk
Honorable Richard P. Brinker, Clerk